

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

AUSTRIA

Revision

The following revised notification has been received from Austria in response to the Questionnaire on Import Licensing Procedures annexed to L/5640/Rev.10. It updates and replaces information previously provided in documents L/5640/Add.35/Rev.1 and Rev.1/Corr.1-2.

Outline of System

1. For the importation of products subject to quantitative restrictions import licences are required. The list of products subject to restrictions is available for consultation in the Secretariat. Imports of textiles come within the scope of the Multifibre Arrangement.

As regards imports of liberalized goods, a procedure is applicable whereby the customs officer, at the time of customs clearance, checks whether the product is liberalized and whether it comes from a country to which Austria has extended its liberalization. If these conditions are fulfilled, the customs officer verifies them on the form for customs clearance. The customs officer is obliged to admit these products and cannot refuse the import of liberalized goods. There is no form to be completed, nor is there any special fee or charge. The examination is carried out in only one office. It is considered that the procedure is limited to a bare minimum and is not a hindrance to trade, at least from the point of view of licensing.

Purposes and Coverage of Licensing

2. Import licences are required for the products subject to restrictions (wine, potato starch, wheat starch, maize starch, preserved meat, sugar loaves). To certain textiles and clothing products, the provisions of the MFA are applicable. For the importation of products falling under the provisions of the Monopoly Laws, import licences of the Monopoly Administration (Federal Ministry of Finance) are required (see document L/1949/Add.21). By 1 January 1995, any importation of salt from EEA Member States and from certain states party to free-trade agreements with the EFTA-States will be possible without a monopoly licence. Since the entry into force of the EEA Agreement, import licences are automatically awarded for spirituous beverages and undenatured ethyl alcohol with an alcoholic strength of less than 80% vol., falling within HS-position 22.08, according to Article 6 in Annex I of Protocol 3 of the Agreement.

3. See above.

4. The reasons for the maintenance of import restrictions have been given in detail during the discussions of the Joint Working Party of Import Restrictions (see document L/3391/Rev.1).

5. The import licensing procedure is based on the provisions of the Foreign Trade Law 1984 (Federal Gazette No. 184/1984, as amended by the Federal Law, Federal Gazette Nos. 11/1985, 496/1986, 327/1987, 511/1987, 557/1987, 605/1987, 663/1987, 377/1988, 257/1989, 578/1989, 692/1991, 469/1992, 16/1993 and 408/1993).

In this law, which can be amended only by the legislative bodies, the products which are subject to import licence are listed.

Procedures

6. I. Interested parties have the opportunity to ask the licensing authority for all information and details, and will certainly get replies concerning the imports they propose to make. It is considered more useful for an importer to have an up-to-date information upon inquiry than a publication which may become out-of-date fairly quickly.

II. The amounts of global quotas, which were introduced when Austria started to implement its programme of liberalization, were determined by combining the amounts of all quotas existing with respect to a particular product, together with a certain amount to cover imports taking place outside the quotas. These quotas have been increased yearly by a certain percentage. The majority of global quotas have now been removed and the products liberalized. Global quotas exist only for wine, potato starch, wheat starch, maize starch, preserved meat and sugar loaves.

If a licence has been used fully, a new application has to be filed. In the case of the "Vorbezugsregelung" (regulation referring to previous imports), at least the same quantity as previously imported can be licensed.

III. There is no possibility in Austria to compel an importer to carry out imports for which he has got a licence, nor can the Government influence the effective utilization of quotas. If there should remain an unused portion of the quota, which is seldom the case, such unused portion would not be transferred automatically to the next quota year. However, utilization of such an unused portion during the new quota year could be provided for by granting prolongation of licences already unused with respect to items falling under the old quota year. The unused portion which has not been used before the end of the quota year can be transferred into the new quota period. This possibility does not apply for agricultural products.

Austria would have some difficulties to give the names of importers, to whom licences had been granted, to governments. In Austria, there is an overall principle of secrecy which would be infringed if names of licensees were made known.

IV. Applications for licences can be submitted at any time.

V. Applications for licences have to be processed within three weeks: usually such applications are processed within a period of less than one week.

VI. If the importer cannot effect imports of a product because the validity of his licence is limited to six months, he is free to ask for prolongation of his licence. Applications for prolongation have to be submitted in writing to the licensing office. As a rule, prolongations are granted for a three-month period, and can be given several times.

- VII. Applications are considered by a single administrative organ. For industrial products, the organ is the Federal Ministry of Economic Affairs and for agricultural products, the Federal Ministry for Agriculture and Forestry. For products falling under monopoly, the organ is the Monopoly Administration, namely the Federal Ministry of Finance.
 - VIII. The last period of reference is, in fact, the previous year.
 - IX. In the case of export restraint agreements, import licences are granted automatically upon presentation of export certificates and the quantity imported is imputed to the bilateral quota.
7. (a)(b) Normally, import licences are established within a week. Licences for products subject to automatic licence system are granted within 10 working days. Licences for products not subject to the automatic licence system are granted as soon as possible, at latest, however, within three weeks. In urgent cases, e.g. for perishable goods, licences can be granted without delay.
- (c) Applications can be filed at any time, irrespective of the month or the season.
8. The reasons for possible refusal of an application for a licence follow from the reply under Item 4. The reasons for a refusal are given in writing. An appeal to the Supreme Court of Administration is possible.

Eligibility of Importers to Apply for Licence

9. In principle, eligibility of importer to apply for licence is not limited. The question, whether the importer holds a valid trading licence, is usually not examined.

Documentational and Other Requirements for Application for Licence

10. Besides the filled-in form (official form), a pro forma invoice in duplicate is required. In the application the following information has to be given: name of importer, supplier, value of shipment, country of origin, supply and payment conditions.
11. When importing to Austria, the following documents have to be produced by the importer: goods declaration for customs clearance into which the declaration of value and the statistical entry are integrated and, in certain cases, certificate of origin. If the product to be imported is not liberalized, or is under monopoly, a valid import licence has also to be submitted. For certain agricultural products falling under the marketing law, a decision of the Grain Board, the Meat Board or of the Milk Board has to be produced.

Certificates of origin may be required upon importation by special decree of the Ministry of Economic Affairs or Ministry of Agriculture and Forestry. The cases where certificates of origin have to be presented are defined in the Austrian Foreign Trade Law 1984 (Federal Gazette No. 184/1984, as amended by the Federal Law, Federal Gazette Nos. 11/1985, 496/1986, 327/1987, 557/1987, 605/1987, 663/1987, 377/1988, 257/1989, 578/1989, 692/1991, 469/1992, 16/1993 and 408/1993. These cases are the following:

- (a) if required on the basis of a decision taken by an international organization of which Austria is a member;
- (b) for the implementation of trade policy agreements and other international arrangements;

- (c) for overall economic considerations, in particular for the maintenance of Austrian exports;
- (d) to avoid by-passing of the Austrian provisions concerning liberalization.

In practice, certificates of origin are mainly required for the purpose outlined in (d) i.e., to ensure that imports originate in countries to which Austria has extended liberalization.

12. In Austria for all submissions to the administration a stamp duty has to be paid. For applications for licence a duty is foreseen, the amount of which ranges from AS 120 to AS 300 according to the import value.

13. Deposits or advance payments are not required.

Conditions of Licensing

14. The period of validity of a licence is six months as rule. This period can be extended by three months.

15. The non-utilization of a licence has no legal disadvantage.

16. Licences are not transferable between importers.

17. In certain cases certificates of origin are required which have to be presented upon actual importation.

Other Procedural Requirements

18. According to specific legal provisions (e.g. Import Law concerning Pharmaceuticals, Federal Gazette No. 179/1970; Toxin Law, Federal Gazette No. 235/1951), enacted mainly as a consequence of the provisions of Article XX of the General Agreement, corresponding supplementary certificates have to be presented e.g. for sanitary or phytosanitary purposes.

19. There is no limitation on foreign exchange.